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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,234	12/07/2004	Franz Gruner	4-22696/A/PCT	4385

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CIBA SPECIALTY CHEMICALS CORPORATION  
PATENT DEPARTMENT  
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TARRYTOWN, NY 10591-9005

EXAMINER
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NGUYEN, TRI V

ART UNIT	PAPER NUMBER
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1751

MAIL DATE	DELIVERY MODE
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06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/517,234

Applicant(s)

GRUNER ET AL.

Examiner

Tri V. Nguyen

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment and Arguments*

1. Applicant's arguments, see page 2 et seq., filed on March 20 2007, with respect to the rejection(s) of claim(s) 1-9 under 102 have been fully considered and are persuasive. Therefore, the 102 rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lehman et al., Grimmel et al., Kitamura et al. and Benz et al.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman et al. (US 5,973,147) in view of Kitamura et al. (US 3,716,330).

4. Lehman et al. disclose the dyeing of a synthetic fibre material (abstract) with an azo dye of the present claims 2-7 (col 1, line 21 to col 2, line 47). Lehman et al. teach the feature of an after-treatment at a pH of 8 to 9 and a temperature of 75 to 85 degree C but do not explicitly disclose the feature of a reducing agent such as hydrosulfite.

In the analogous art of fabric dyeing, Kitamura et al. recite the feature of dyeing a synthetic polyamide fabric followed by an after-treatment of hydrosulfite (abstract, col 5, lines 43-49 and col 8, lines 28-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the after-treatment with a reducing agent such as hydrosulfite on a synthetic polyamide to discharge the fiber.

Art Unit: 1751

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman et al. (US 5,973,147) in view of Benz et al. (US 3,170,911) or Grimmel et al. (US 3,445,451).

6. Lehman et al. disclose the dyeing of a synthetic fibre material (abstract) with an azo dye of the present claims 2-7 (col 1, line 21 to col 2, line 47). Lehman et al. teach the feature of an after-treatment at a pH of 8 to 9 and a temperature of 75 to 85 degree C but do not explicitly disclose the feature of a reducing agent such as hydrosulfite.

In the analogous art of fabric dyeing, Grimmel et al or Benz et al. recite the feature of dyeing a polyamide fabric followed by an after-treatment of hydrosulfite (Grimmel et al.: col 2, lines 1-40 and Benz et al.: col 3, line 15 to col 4, line 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the after-treatment with a reducing agent such as hydrosulfite on a synthetic polyamide to discharge the fiber. The skilled artisan would also expect that the woolen and polyamide fiber dyeing process of Grimmel et al. or Benz et al. to have the same effect on a synthetic polyamide fiber since both have polyamide-based morphologies absent of unexpected results.

### ***Response to Arguments***

7. Applicants argue that the hydrosulfite reducing agent is not taught in the Lehman et al. reference. The examiner agrees that the Lehman reference does not explicitly disclose the hydrosulfite reducing agent; however, Lehman et al. teach further treating the fabric post-dyeing and Grimmel et al. or Benz et al. teach the feature of a hydrosulfite reducing agent on post-dyeing of polyamide-based fabrics and it would have been obvious to a skilled artisan at the time of the invention to modify the Lehman et al.

Art Unit: 1751

process with an after-treatment of hydrosulfite to discharge the fabric as taught by Grimmel et al. or Benz et al.

### **Conclusion**

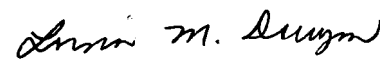
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NVT

NVT,  
June 11, 2007

  
LORNA M. DOUYON  
PRIMARY EXAMINER